



The Salisbury Planning Board held its regular meeting Tuesday, September 8, 2009, in the City Council Chamber of the Salisbury City Hall at 4 p.m. with the following being present and absent:

**PRESENT:** Dr. Mark Beymer, Maggie Blackwell, Robert Cockerl, Richard Huffman, Craig Neuhardt, Valarie Stewart, Albert Stout, and Bill Wagoner

**ABSENT:** Karen Alexander, Tommy Hairston and Diane Young

**STAFF:** Dan Mikkelson, Preston Mitchell, Diana Moghrabi, and David Phillips

This meeting was digitally recorded for *Access 16* television by Jason Parks.

Chairman Robert Cockerl called the meeting to order and offered an invocation. The minutes of the August 25, 2009, meeting were approved as submitted. The Planning Board adopted the agenda.

## **OLD BUSINESS**

**LDOZ-7-05-2009:** Russell (base rezoning)  
F. Lee & Cynthia P. Russell  
Unnumbered Statesville Boulevard  
Tax Map & Parcel(s) 330-021  
Approximately 26 acres (1 parcel)

**LDOZ-7-06-2009:** Granberry (base rezoning)  
Ken Granberry  
Clyde W. & Mary B. Granberry  
2715 Statesville Boulevard  
Tax Map & Parcel(s) 330-117 & 330-121  
Approximately 22 acres (2 parcels)

Both LDOZ-7-05-2009 and LDOZ-7-06-2009 are located along the south margin of Statesville Boulevard (Hwy 70) approximately 1/4-mile east of Enon Church Road.

This is a request to amend the Land Development District Map by rezoning approximately 26 acres (one parcel) and approximately 22 acres (two parcels) along Statesville Boulevard (Hwy.70) from RURAL RESIDENTIAL (RR) to RESIDENTIAL MIXED-USE (RMX). (A total of 48 acres)

Preston Mitchell informed the Planning Board that the petitioners for these two cases, by way of Fred Bowers a local engineer who is now representing them, asked to defer action on these

items until a later date. They will work together to prepare a preliminary plat to utilize different types of zoning as opposed to one blanket zone.

Dr. Mark Beymer made a MOTION to defer these items to a future date. Craig Neuhardt seconded the motion with all members voting AYE. (8-0)

## COMMITTEES

**LDOTA 07-2009 Infill Provisions for Minimum Residential Lot Width Special Exceptions Committee #2** (Maggie Blackwell, Ch; Richard Huffman, V. Ch; Valarie Stewart; Albert Stout)

Preston Mitchell presented the proposal with two examples that apply to the “real world.” One example is on Oakwood Avenue which is two lots deep and has 125’ of street frontage along Oakwood Avenue. The comparison lots are found extending 300’ in both directions, along the same side of the street from the outside edge of the lot. One lot is excluded in the calculation because of the commercial zoning on that property. The highest and lowest widths are then discarded. The average minimum is then calculated. The request was for 62.5 feet, which is below the required minimum width of 67 feet.

The Bethel Drive example has 237 feet of road frontage with a request to subdivide into two 118 ½-foot lots. These comparison lots are calculated slightly different. There was not adequate comparison using one side of the street so the calculations “cross over the street” and the highest and lowest are not discarded. Calculations came to a minimum lot width requirement of 141 feet.

If the proposed amendment is adopted as drafted and someone seeks a Special Exception for infill subdivision minimum lot width, the following process would occur:

*Applicant must answer the following:*

Is the minimum width as requested

- Less than the minimum lot width for zoning in LDO?
- More narrow than the narrowest frontage of comparison lots?
- Creating/expanding any non-conformity?
- Uniform from front to back and substantially maintaining right angles to the fronting street?

If they could answer all four questions it can come forward to Planning Board.

*Planning Board asks:*

- Does the minimum width, as requested (or some modification) negatively impact provision of services?
- Do the applicable comparison lots adequately represent the larger surrounding area?

- Do natural/man-made features help or hinder the required verses the requested minimum width?

Dick Huffman observed that whether the amendment changed the formula or built in a percentage of the minimum requirement, and no matter how the lots are subdivided, someone will be unhappy.

It is part of our decision-making process to evaluate and make a determination of whether a particular subdivision is appropriate.

Mark Behmer said he had concerns about the mathematics—it tends to reduce frontage of the neighborhood lots overall. It is the right type of a trend to not degrade a neighborhood by lowering frontages. If we proceed in this direction, “I would favor the types of language we have here on the special exceptions procedure. I would also favor that all criteria is met before coming before the Planning Board.”

Bill Wagoner asked, “If the zoning is GR6, and the minimum width in GR6 is 50 feet for the LDO (they meet that test) why isn’t it OK? Does the character of the neighborhood trump the zoning? Preston explained that the smaller, more urban-scale 50-foot lots would be acceptable on undeveloped land. However, the code also works to protect previously developed areas (existing neighborhoods) by requiring that infill subdivisions be compatible with the other lots in the area.

Dick Huffman made a MOTION at the committee meeting to recommend approval of this amendment to the Planning Board. Albert Stout seconded the motion with all members voting AYE.

Mark Beymer would like Diane Young to be part of the discussion at the next meeting.

Bill Wagoner made a friendly amendment to the motion to table it for further consideration at the next Planning Board meeting. Dick Huffman seconded the amended motion. Valarie Stewart, Mark Beymer, Craig Neuhardt, Dick Huffman and Bill Wagoner voted AYE. Robert Cockerl, Albert Stout and Maggie Blackwell voted NAY. (5-3)

### **LDOTA-10-2009 Citywide Sidewalk Requirements**

Committee #1 (Diane Young, Ch; Karen Alexander, V. Ch; Robert Cockerl) Met Wednesday, August 26, at 4 p.m. in the City Hall second floor conference room. No decision was made. They plan to continue meeting on a regular schedule. The next meeting was at 3 p.m. at the Plaza, 100 W. Innes St. 2<sup>nd</sup> floor on Wednesday, September 9.

### **LDOTA 11-2009 Front Porch Provisions**

Committee #3 (Bill Wagoner, Ch.; Tommy Hairston, V. Ch.; Craig Neuhardt, Mark Beymer) Bill Wagoner reported that there may be some consideration for amending the LDO text to consider how to promote modest housing that still had some porch affect.

Mr. Mitchell made some changes to clean up language in the code to make it easier to understand. He submitted a version with “strike-throughs and underlines” in the agenda packet. Page 5-10, Section 5.8 is where the discussion began. Provisions that follow the table will be marked as applicable or not applicable in the table itself.

## CHAPTER 5: BUILDING TYPES AND STANDARDS

### 5.8 Specific Provisions for HOUSE Building Type

#### A. Applicability of ~~House Design Requirements~~ Based on Lot Dimension

		(5.16) Dimension Standards	(5.6) (5.7) General Provisions	(5.8.B) Front Porches Street Façade Provisions	Street or Alley Access	(5.8.C) Attached or Detached Access & Garage Provisions	(5.8.D) Design Element Provisions
		Required Applicable	Required Applicable	Required Applicable	Alley <sup>(1)</sup>	Detached Only Applicable	Required Applicable
LOT DIMENSION	30 – 69 ft wide 30-ft wide	Required Applicable	Required Applicable	Required Applicable	Alley <sup>(1)</sup>	Detached Only Applicable	Required Applicable
	40 – 54 ft wide	Required	Required	Optional	Alley <sup>(1)</sup>	Attached or Detached	Required
	55 – 69 ft wide	Required	Required	Optional	Alley or Street <sup>(1)</sup>	Attached or Detached	Required
	70+ ft wide <u>and</u> setback less than 40 ft	Applicable	Applicable	<u>Applicable</u>	Alley or Street <sup>(1)</sup>	Applicable	Applicable
	70+ ft wide <u>and</u> setback 40 ft or greater	Required <u>Applicable</u>	Optional <sup>(2)</sup> Semi- Applicable <u>(1,2)</u>	Optional Not Applicable	Alley or Street <sup>(1)</sup>	Attached or Detached Not Applicable	Optional Not Applicable

Notes: 1. Exception for infill parcels. For Infill Provisions of Ch. 6  
1.4, Provisions for Manufactured Housing (5.7.C) shall still apply to these lots  
 2. General Provisions 5.6.B through D still apply.

#### B. Street Façade Provisions

1. Front Porch: Front porches, if used, shall be at least 8 feet deep and extend more than 40% of the façade. Although optional, a front porch shall encompass a minimum of 35% of the habitable front façade (excluding any attached garage façade) and shall project at least 6 feet under roof from the exterior wall of the house. Front porches encompassing a minimum of 40% of the habitable front façade (excluding any attached garage façade) shall project at least 8 feet under roof from the exterior wall of the house.
2. Raised Entrance
  - a) A house 20 feet from the sidewalk or closer shall have the primary entrance and lowest floor above grade raised above the sidewalk grade a minimum of 1½ feet. This provision shall not prevent the construction of a basement or lower floor when the lot slopes down and away from sidewalk grade.
  - b) A house between 20 and 40 feet from the sidewalk shall be raised a minimum of 1 foot.

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**C. ~~Access and Garage and Off-Street Parking~~ Provisions**

1. Alley-Access House: This type of house is required on lots less than 50 feet wide.
  - a) An alley-access garage shall not be attached to the principal house on lots less than 40 feet wide.
  - b) The construction of a detached garage is not permitted unless a principal house is located on the lot. The detached garage and principal house may be constructed concurrently.
  - c) A detached garage shall be located only in the rear yard and shall not cover more than 40% of the rear yard.
2. Street-Access House: This type of house is prohibited on lots less than 50 feet wide.
  - a) No garage door shall be any closer than 25 feet from the street right-of-way.
  - b) A front-loading attached garage shall be recessed a minimum of 5 feet behind the front facade of the house and designed to form a secondary building volume.
  - c) A garage with more than two bays shall not face the street.
  - d) The maximum width of an attached garage bay door shall be 16 feet or no more than 40% of the front facade, whichever is less.

**D. Design Element Provisions for House Type**

In all ~~new~~ developments of two or more lots, a house type, when applicable, shall provide detailed design along all primary elevations and elevations facing a public street or open space. Detailed design shall be provided by using *at least five (5)* of the following architectural features on all elevations as appropriate for the proposed building type and style (may vary features on rear/side/front elevations):

1. Dormers
2. Gables
3. Brick or Stone veneer (all-around)
4. Covered porch or stoop entries
5. Cupolas or towers
6. Pillars, posts, or columns
7. Eaves (minimum 10 inch projection which may include gutter)
8. Off-sets in building face or roof (minimum 16 inches)
9. Window trim (minimum 4 inches wide)
10. Bay windows
11. Balconies
12. Decorative patterns on exterior finish (e.g. scales/shingles, wainscoting, ornamentation, and similar features)

## 5.9 Specific Provisions for TOWNHOUSE Building Type

**A. Applicability of Townhouse Design Requirements Based on Lot Dimension**

LOT DIMENSION		(5.16) Dimension Standards	(5.6) (5.7) General Provisions	Front Porches	Street or Alley Access	(5.9-C) Attached or Detached Garage	(5.9.D) Design Element Provisions
		Required	Required	Optional	Alley <sup>(1)</sup>	Detached Only	Required
	20—39 ft wide	Required	Required	Optional	Alley <sup>(1)</sup>	Detached Only	Required
	40+ ft wide	Required	Required	Optional	Alley or Street <sup>(1)</sup>	Attached or Detached	Required

*Notes: 1. Exception for infill parcels. See Infill Provisions of Ch. 6*

**B. A. Street Façade and Scale Provisions**

1. **Bulk and Scale:** The bulk and scale of townhouse development shall be similar to and consistent with the surrounding neighborhood as evaluated by the bulk of buildings adjacent, abutting and development.
2. **Front Porches:** Front porches, if used, shall be at least 8 feet deep and extend more than 30% of the façade. Although optional, a front porch shall encompass a minimum of 25% of the habitable front façade (excluding any attached garage façade) and shall project at least 6 feet under roof from the exterior wall of the house. Front porches encompassing a minimum of 30% of the habitable front façade (excluding any attached garage façade) shall project at least 8 feet under roof from the exterior wall of the house.
3. **Raised Entrances:** A townhouse shall have the primary entrance and lowest floor above grade raised above the sidewalk grade a minimum of 1½ feet when constructed in the RMX, NMX, CMX, and TND districts. This provision shall not prevent the construction of a basement or lower floor when the lot slopes down and away from sidewalk grade. Live-work units may be constructed with the primary entrance at grade in any permitted district.

**B. B. Access and Garage and Off-Street-Parking Provisions for Street-Access Townhouse**

1. An alley-accessed townhouse with detached garage is required on lots less than 40 feet wide.
2. No garage door shall be any closer than 25 feet from the street right-of-way.
3. A front-loading attached garage shall be recessed a minimum of 5 feet behind the front façade of the townhouse and designed to form a secondary building volume.

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4. A garage with more than two bays shall not face the street.
5. The maximum width of an attached garage bay door shall be 18 feet or no more than 40% of the front façade, whichever is less.

**D.C. Design Element Provisions for Townhouse Type**

1. **Doors, Porches, Balconies, & Windows:** All elevations visible from the street shall provide doors, porches, balconies, and/or windows. A minimum of 40% of front elevations at ground level and a minimum of 30% of side and rear building elevations, as applicable, shall meet this standard. "Percent of elevation" is measured as the horizontal plane (lineal feet) containing doors, porches, balconies, terraces and/or windows. This standard applies to each full and partial building story.
2. **Detailed Design Features:** All townhouse buildings shall provide detailed design along all primary elevations and elevations facing a public street or open space. Detailed design shall be provided by using *at least six (6)* of the following architectural features on all elevations as appropriate for the proposed building type and style (may vary features on rear/side/front elevations):
  - a) Dormers
  - b) Gables
  - c) Brick or Stone veneer (all-around)
  - d) Covered porch or stoop entries
  - e) Cupolas or towers
  - f) Pillars, posts, or columns
  - g) Eaves (minimum 10 inch projection which may include gutter)
  - h) Off-sets in building face or roof (minimum 16 inches)
  - i) Window trim (minimum 4 inches wide)
  - j) Bay windows
  - k) Balconies
  - l) Decorative patterns on exterior finish (e.g. scales/shingles, wainscoting, ornamentation, and similar features)
  - m) Decorative cornices and roof lines (for flat roofs)

Preston Mitchell said that front porches also apply to townhomes and they had not discussed this at the committee meeting. He presented the proposal above. He began to look deeper into the definitions for porches and had some concern about definitions for portico and stoop (covered or uncovered entryway into the house).

A front porch references an area that is used for outdoor socializing (an exterior room and partially enclosed). It does not always have railings or closure.

Mark Beymer and Bill Wagoner thanked Preston for bringing back this language for discussion. For the most part, it does represent the committee's intentions. Mark Beymer

would like to see language that was going to be substitute for “although optional” and the breakdown for portico / porch. Preston said “although optional” could be removed. He needs to fix sections 30-69 feet wide on the fact that it is required versus...Let me fix this. It will come before Planning Board again September 22 for a vote.

## **OTHER BOARD BUSINESS**

The next Planning Board meeting will be September 22, 2009.

There being no further business to come before the Planning Board the meeting was adjourned at 4:55 p.m.

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Robert Cockerl, Chair

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Diana Moghrabi, Secretary